

Exhibit 73

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH
CAROLINA, et al.,

Defendants.

SECOND AMENDED DEPOSITION
OF
ANDREW PARRISH

THIS DEPOSITION CONTAINS HIGHLY CONFIDENTIAL AND
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

TAKEN AT THE OFFICES OF:
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
222 East Cameron Avenue
110 Bynum Hall
Chapel Hill, NC 27514

06-21-17
9:02 A.M.

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Court Reporter

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1 immediately turn our attention to.

2 Q. When you say, "what major they are," is
3 that the major that they indicate on their
4 application?

5 A. Correct.

6 Q. Do you know why the off -- admissions
7 office uses race?

8 A. I don't.

9 Q. Have you had conversations with anybody
10 in the admissions office as to why you use race
11 when evaluating candidates?

12 A. No.

13 Q. Do you know what the ultimate goal is of
14 using race in the admissions process?

15 A. I don't.

16 Q. You never had conversations about what
17 the ultimate goal is in -- for using race?

18 A. No.

19 Q. Have you ever heard the term, "critical
20 mass"?

21 A. I have.

22 Q. What do you understand "critical mass"
23 to mean?

24 A. I don't really understand what it is.
25 I've just heard it being used before.

Q. Have you heard it within the admissions office?

A. Yes.

Q. In what context have you heard it?

A. Related to when we were recruiting students for undergraduate admissions ambassador program for which -- over which I oversaw. I had a conversation with somebody related -- in our diversity multi-cultural affairs office about critical mass and that's really the main context.

Q. And, when you had those discussions, did anybody talk about what critical mass -- what the definition of critical mass is?

A. No.

Q. When the admissions office uses the term, "underrepresented minority," does that include Asian American applicants?

A. Not to my knowledge.

Q. Do you know why it doesn't include Asian American applicants?

A. I don't.

Q. You're being handed what's been marked as Exhibit 2.

(EXHIBIT NUMBER 2 WAS MARKED)

Q. Just take a moment to familiarize

yourself with that document.

(Witness examined document)

Q. Are you familiar with this document?

A. I believe so.

Q. And what is it?

A. I believe it's a our reading document that we use for admissions of -- evaluation of our candidates.

Q. So this is the document that admissions officers review to help guide them in how they review applications?

MR. TULCHIN: Objection.

A. It's a document that we're handed at reader training and we're basically told this is the -- basically the guiding document that is basically the broad aspect of how we evaluate applications.

Q. (Mr. Weir) The broad policy of the admissions office? Okay.

A. Yes.

Q. And you said at reader -- I'm sorry.

A. Sorry, I realized that I nodded my head so...

(Off-record comments)

Q. So, you said at reader training this is

1 passed out. Is reader training something that
2 happens every single year?

3 A. Yes.

4 Q. So you go through reader training every
5 year despite that you have experience in reading
6 applications?

7 A. Yes.

8 Q. And that's true for anybody that reads
9 applications?

10 A. Yes.

11 Q. If you could turn to page 8 of this
12 document. I believe it's the last page. If you
13 could read the sentence starting with, "consistent
14 with the supreme court's decision."

15 A. Okay.

16 Q. If you could read that for me.

17 A. The whole sentence?

18 Q. The whole sentence, please.

19 A. "Consistent with the Supreme Court's
20 decision in Grutter, the race or ethnicity of any
21 student may or may not receive a plus in the
22 evaluation process, depending on the individual
23 circumstances revealed in the student's
24 application."

25 Q. So what is meant by the word, "plus"?

1 A. I'm not sure.

2 Q. This is the document that you received
3 during reader training but you're not sure what
4 the word "plus" means?

5 A. Correct.

6 Q. What do you think it means?

7 A. I'm not sure. It's not something that I
8 feel like is ever something I ever think about or
9 ever comes up in our conversations when we talk
10 about applicants.

11 Q. So you never have conversations in the
12 office as to whether a student should receive a
13 plus due to his or her race or ethnicity?

14 A. I wouldn't say we talk about it as being
15 a plus. That's just not the way that we discuss
16 applications.

17 Q. During reader training, have -- have you
18 ever discussed this sentence here with anybody?

19 A. Not that I can remember.

20 Q. So you don't know whether any applicant
21 receives a pl -- whether a -- excuse me, let me
22 rephrase that.

23 You don't -- do you know whether any
24 applicants receive a "plus" due to their race or
25 ethnicity in the admissions off -- process?

in the office about that?

A. No.

(EXHIBIT NUMBER 3 WAS MARKED)

Q. Just take a moment to familiarize yourself with this document.

(Witness examined document)

Q. Have you reviewed it?

Q. I just want to draw your attention to the email on the bottom of the first page, I believe from yourself to Jen Kretchmar. You state, "Can you tell me how many of our priority groups from last year overlap?" Who are the priority groups?

A. They would be the groups that are listed here below.

0. So, Top NC is a priority group?

A. Correct.

Q. First generation college is a priority group?

A. Yes.

Q. Underrepresented minorities are a priority group?

A. Yes.

0. And by underrepresented minorities, as

1 list?

2 A. No.

3 Q. You don't know who makes those decisions
4 in the office?

5 A. I don't.

6 Q. Do you ever nominate students to be
7 admitted off of the wait list for someone else to
8 make the ultimate decision?

9 A. Yes.

10 Q. Okay. And how do you go about that
11 process of nominating a student?

12 A. I send an email on to a colleague. It's
13 just a short one to two sentence description of
14 why they should be considered.

15 Q. And do you do that regularly after the
16 deposit deadlines or how -- how do you go about
17 doing that? Do you get asked to nominate
18 somebody? I'm just trying to get a feel for the
19 process.

20 MR. TULCHIN: Objection.

21 A. I -- so will you rephrase your question?

22 Q. (Mr. Weir) Sure. I -- I just -- when
23 will you nominate a -- a student to be admitted
24 off of the wait list? When does that happen?

25 A. I can't remember exactly when it happens

1 but, we get an email from a colleague asking us to
2 respond with any students that we would like to
3 ask to be considered to be -- considered to be
4 admitted off the wait list.

5 Q. And -- and which colleague will email
6 you?

7 A. This past year or -- do you have a time
8 that ---

9 Q. Sure, yeah. Just -- let's just say this
10 -- this year.

11 A. So, like, this year it was Ni -- Ni-Eric
12 Perkins.

13 Q. And what about last year?

14 A. Mm, I don't remember last year.

15 Q. What about the year before?

16 A. I don't remember.

17 Q. Okay. When you get asked to nominate a
18 student off of the wait list, how do you go about
19 picking which student to nominate?

20 A. Usually it's a student that I've formed
21 a close personal relationship with or a student
22 that I read that I thought was particularly
23 compelling to me.

24 Q. So when you're going through the 1500
25 applications that you're reading over the course

1 of a year, you'll remember a handful of students
2 that you think have compelling stories that you
3 think should be admitted to UNC. And then you
4 would hold on to those toward -- at the end for
5 the wait list process? Is that how you do it?

6 MR. TULCHIN: Objection.

7 A. There's typically -- yeah, a student
8 that I remember reading in the evaluation process
9 and will hang on to to see, kind of, what happens
10 to them and if I see that they're on the wait
11 list, then that might be a time that I would
12 advocate for them.

13 Q. (Mr. Weir) So it's somebody -- okay, I
14 got it.

15 (EXHIBIT NUMBER 9 WAS MARKED)

16 You've been handed what's marked as
17 Exhibit Number 9. Please take a -- a moment to
18 review that document.

19 (Witness examined document)

20 A. Okay.

21 Q. (Mr. Weir) And what is this document
22 there?

23 A. Looks like an email from Jen Kretchmar.

24 Q. And the attachment?

25 (Witness examined document)

Q. I just want you to confirm that this -- these are individuals that were invited to this event.

A. Okay. NC top PSAT, 140 plus or 1400 plus; NC top ACT, Top NC 32 to 36.

Q. Can I just stop you there for a sec --
for the first line is that students who received
either a 140 or better or 14 -- on the PSAT or a
1400 or better on the SA -- SAT?

A. I'm not sure, actually.

Q. You drafted this document, didn't you?

A. I copied this information, I believe, from what Michael Davis had given me in terms of what he wanted to invite.

Q. So, I'll represent to you that seven days ago Michael Davis testified that he copied this information from you.

A. Mm.

MR. TULCHIN: Is there a question there, Bryan?

MR. WEIR: Yeah.

Q. (Mr. Weir) Do you know what this information is?

A. I know it's the students that we invited
and ---

1 Q. Okay. And who are these students?

2 A. --- they're ---

3 Q. Who did you invite to -- to Carolina and
4 Beyond?

5 A. These students that are listed here.

6 Q. Okay. So did you invite students who
7 got a 140 or better or 1400 or better on the SAT?

8 A. I think that's PSAT. It says 140 plus
9 or 1400 plus for PSAT.

10 Q. Okay. So did you invite the Carolina
11 and Beyond students who got a 140 be -- or better
12 on the PSAT and students who -- or students who
13 got a 1400 or better on the SAT?

14 MR. TULCHIN: Objection.

15 A. Whatever's listed there, that is what we
16 invited.

17 Q. That's who you invited?

18 A. Yes.

19 Q. So you invited also, if you go down to
20 the one, two, three, four -- the fifth line down,
21 "NC other PSAT." You invited students who were
22 underrepresented. They got between a 110 and a
23 129 on the PSAT or 1100 -- between an 1100 and a
24 1290 on the SAT?

25 A. If that's what's listed there, then,

1 yes, that's what we invited.

2 Q. Okay. Did you invite students who were
3 not underrepresented who had those same test
4 scores?

5 (Witness examined document)

6 A. I'm not sure what the test score bands
7 are for the -- the three names that are below the
8 box where it says "out-of-state other ACT and see
9 low SES PSAT and NC SES ACT." So, I'm not -- I --
10 I don't know if I could answer that because I
11 don't know what the other test score bands are.

12 Q. Did you invite students from a list
13 called "OOS, other SAT"?

14 A. If it's listed there, then -- well,
15 actually, I don't -- maybe I -- actually I know
16 that this was a working document. Actually I
17 don't -- I guess I should say I'm not actually
18 sure that we actually invited these students.

19 Q. Okay. So it's a working document
20 proposing who to invite to this?

21 A. Yeah.

22 Q. Did you propose that UNC invite students
23 in this band, underrepresented students who
24 received a 110 -- between a 110 and 129 on the
25 PSAT or between 1100 and a 1290 on the SAT?

1 A. Well, we -- I think we would go lower on
2 the testing for our underrepresented students than
3 we would for our Asian & Caucasian students.

4 Q. (Mr. Weir) And that would -- and what
5 was the purpose for that?

6 A. In order to make sure that we are
7 including more students.

8 Q. So you -- the thresholds were lowered
9 for Chancellor's Science Scholars so as to
10 increase the pool of URMs that were included in
11 the pool to the committee?

12 A. We -- we did go lower on test scores for
13 underrepresented students in order to make sure
14 that we had enough students in the pool to hand
15 over to the Chancellor's Science Scholar
16 committee.

17 Q. In the -- not in the Chancellor's
18 Science Scholars program, but in the -- in reading
19 applications for admission, are -- do you take
20 into account that "demographic backgrounds" can
21 affect testing when you're evaluating applicants?

22 A. Yes.

23 Q. You do? And how do you take that into
24 account?

25 A. In understanding that test scores from

1 underrepresented minorities might be lower than it
2 could be for non-underrepresented students.

3 Q. Is that -- are you instructed to take
4 that in account as a policy?

5 A. I don't recall. I don't know.

6 Q. When you're getting -- I think you
7 testified earlier that there's reader training at
8 the beginning of every year. Is that correct?

9 A. That is correct.

10 Q. During that reader training, do -- is
11 there a discussion of the demographic background
12 of URM students and how that can affect testing?

13 A. I -- I don't know if it has been or not.
14 I know at least one year we were given historical
15 national averages, but I don't know. I know that
16 happened one year, but I don't remember if it's
17 happened beyond then.

18 Q. Okay. And what year was that?

19 A. I don't remember.

20 Q. Was it in the last year or two?

21 A. I'm not sure.

22 Q. You can't ballpark when it is?

23 A. Honestly, I can't.

24 Q. Okay. And who gave you that
25 information?

MR. TULCHIN: Objection. It's not what he testified to at all.

A. Will you repeat the question?

Q. (Mr. Weir) Sure. At some point in your tenure at the University of North Carolina's admissions office, were you instructed to take into account that demographic backgrounds can affect testing with URM students?

A. I remember at one point during reader training that we were shown national averages for various ethnic groups of students and that is what I remember.

Q. Okay. You don't remember who showed you that information?

A. I do not.

Q. Who generally conducts the reader training?

A. It depends on which part of it.

Q. This particular part -- testing -- test scores.

A. I wouldn't say test scores are normally a large part of our reader training

Q. I understand that. But when you do have reader training on test scores, who generally is the person that handles that?

MR. TULCHIN: Objection.

A. I can't remember testing ever beyond that one time. I don't remember testing being a common part or being a part of reader training.

Q. (Mr. Weir) So when you are taking this information into account -- the demographic backgrounds of URMs -- explain to me how you do that for Hispanic students.

A. I'm sorry. Will you repeat what you said again?

Q. Sure. You testified earlier that you take into account that demographic backgrounds can affect testing. And specifically, you testified that URM students typically have lower test scores nationally. So how do you take that information into account when you're evaluating a Hispanic student's application?

A. I understand that the test score could be lower for an underrepresented group, such as Hispanic students.

Q. What if the student is, let's say, upper-class Hispanic student? How would that change your analysis, if at all?

A. What do you mean by "change my analysis"?

Q. Your analysis as how to treat -- treat that particular applicant's test scores.

A. I would take the test scores at what they are.

Q. So, when you look at Hispanic applicants' test scores, do you always take into account that Hispanics, on a national level, have lower test scores?

A. I mean, I -- I look at all the factors that are there and I see the test scores. I see the ethnicity. I see all the other factors and, I mean, all of it comes together in helping me form my composite picture of the -- of the individual.

Q. So, for all Hispanics -- when you're reading Hispanics -- I just want to make sure I understand what you're saying. When you're reading Hispanic applications, in the back of your mind, you're always taking into account that Hispanics, on a national level, have lower test scores?

MR. TULCHIN: Objection.

A. Well, I wouldn't say I just read Hispanic applications. But, if I'm reading an application and I see that the student is Hispanic, then -- yes, I know that on average,

1 Hispanic students do score lower, nationally, on
2 standardized testing. So, that is -- yes, I do
3 realize that.

4 Q. (Mr. Weir) What is your understanding
5 of how -- how Asian Americans test on a national
6 average?

7 A. That they test higher than African
8 American, Hispanic/Latino and the American Indian.

9 Q. Do you take that into account when
10 you're reading applications from Asian American
11 students?

12 A. Yes. That is one of the things I keep
13 in mind.

14 Q. Do you treat all Asian American students
15 the same in that regard?

16 A. In what regard?

17 Q. In regard to their -- the national
18 average of their testing scores?

19 A. Yes. But I also know that, I mean,
20 they're allotted for factors that come into play
21 for each and every applicant. First generation
22 college student, students from lower socioeconomic
23 backgrounds; I mean, there's -- there's lots of
24 factors that can affect testing ---

25 Q. Sure.

Asian American applicants and African American applicants has nothing to do with the race of those two and -- two groups?

MR. TULCHIN: Objection.

A. I would see the test score for an Asian American or Asian just like I would see the test score for an African American.

Q. (Mr. Weir) I believe you testified earlier that the demographic background of these two groups causes you to look at their test scores differently. Are you changing your ---

MR. TULCHIN: Objection.

Q. (Mr. Weir) --- testimony from before?

MR. TULCHIN: It's not what he testified to at all.

A. I'm sorry. Repeat your question?

Q. (Mr. Weir) Sure. I believe you testified earlier, and please correct me if I'm wrong, that the demographic background of -- that demographic backgrounds can affect testing and then, as a result, because African American students, on national average, have lower test scores, you look at their test scores through that lens.

A. Yes. That is correct.

1 that's a -- "likely admissible" is a reference to
2 those test scores?

3 A. I can't answer that question. I don't
4 know how to answer that.

5 Q. Okay. All right. 1400 on the SAT and
6 32 on the ACT, that's Top NC students, right?

7 A. That is correct.

8 Q. Okay.

9 A. That is the criteria that we have used
10 for the testing portion in Top NC.

11 Q. And what do you mean by "majority"
12 there?

13 A. Non-underrepresented.

14 Q. Okay. So that includes Asian American
15 students?

16 A. That is correct.

17 Q. And how do you know that to be the case?

18 A. I'm sorry? What do you mean?

19 Q. Well, you've testified a couple other
20 things that you don't know what you meant by that,
21 but how do you know that's what you mean by
22 "majority"?

23 A. Because that's a common term that we
24 use.

25 Q. Are you aware that Asian Americans are,

1 in fact, in the majority?

2 A. It's just a phrase that we've used int
3 he past and that's what I've come to understand it
4 to mean.

5 Q. Okay. So other people in the admissions
6 office, when they refer to "majority" they mean
7 Caucasian and Asian American students?

8 A. As far as I'm aware.

9 Q. Okay. Is that a common term used in the
10 admissions office?

11 A. I don't know how common it is. I know
12 others have used it.

13 Q. Okay. After the colon there, the
14 semicolon, 1100 or 24 URM. Is URM a reference to
15 Hispanic, African American and Asian -- and
16 American Indian students?

17 A. Yes.

18 Q. Okay. And what is the reference to
19 "Eight in performance"?

20 A. What do you mean?

21 Q. What does that mean, "eight in
22 performance"?

23 A. That's a performance rating that we
24 have. We have performance ratings that go from
25 one to ten.